

City of Burien

BURIEN PLANNING COMMISSION MEETING

September 8, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

Planning Commission Members Present:

Janet Shull, Jim Clingan, Brian Bennett, Rachel Pizarro, Joe Fitzgibbon, Rebecca McInteer

Absent:

Stacie Grage

Others Present:

Elizabeth Ockwell, assistant planner; Scott Greenberg, Community Development Department director

Roll Call

Chair Fitzgibbon called the meeting to order at 7:00 p.m. At the call of the roll all commissioners were present except Commissioner Grage.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Shull. Second was by Commissioner Clingan and the motion carried unanimously.

Public Comment

None

Approval of Minutes

It was noted that Commissioner Shull's name was misspelled twice in the August 25, 2009, draft minutes. Motion to approve the minutes as corrected was made by Commissioner Clingan; second was by Commissioner Shull. The motion carried unanimously.

Old Business

Elizabeth Ockwell, assistant planner, said she was returning to the commission with additional information answering questions the commissioners had at their last meeting regarding two of the proposed zoning code amendments.

The first concerns the proposed removal of the 500-square-foot and one-story limitation on detached residential garages. She noted the commissioners' concerns about the possibility of a detached garage being built so large that it dominates the lot and the existing house in scale and/or square footage. Ms. Ockwell said that based on research into how other cities treat the issue – in particular, Kirkland and Marysville -- language has been added regulating the size of residential accessory structures to either 15 percent of the lot area or 80 percent of the footprint of the primary residence, whichever is less, and a height restriction of not more than 10 feet above the existing height of the main residence, or the maximum height for the zone.

Commissioner Bennett said he felt the new language might penalize owners of smaller houses and wondered if there isn't a way to be less restrictive; Ms. Ockwell noted that the current code, BMC 19.17.060, already states that the accessory structure be "subordinate and incidental to the residential use of the property." She explained that regardless of the new language, someone with a smaller house or smaller lot will not be allowed to build as big an accessory building as someone with a larger house or larger lot. She called the commissioners' attention to a handout she supplied of examples of lots in the city and the calculation of the maximum size accessory structure that can be built on each lot. In most cases the size of the single family residence limits the size of the accessory structure, but in one of the examples the lot area was the limiting factor. Commissioner Bennett said he was still disturbed that the owner of a small house would be "penalized" in the size of a garage that could be built.

Commissioner McInteer pointed out that the garage is an accessory use to the single family residence and "penalty" is probably not the word to describe a limit on the size of the accessory use. She asked why they are even considering an amendment to the size limitation; Ms. Ockwell explained that the current trend is larger houses, with three car garages, many with accessory dwelling units above, and the current limitation of 500 sq. ft. and one story just doesn't accommodate people's needs. Mr. Greenberg added that the intent is to add flexibility based on the current market while avoiding construction of accessory buildings that are out of scale with the residence on the property.

Commissioner Shull thanked staff for the additional research and the improved amendment language. She then asked if the "Eighty percent of the footprint of the primary residential structure" meant it would be comparing the footprint of an accessory structure to the footprint of the primary structure and that a second story could be added, making the total square footage greater than the eighty percent footprint. Both Ms. Ockwell and Mr. Greenberg answered in the affirmative.

Mr. Greenberg told the commissioners they will be conducting a public hearing on the proposed amendments at their Sept. 22nd meeting, so they still have time to hear from the public and to deliberate again.

As requested by the commissioners at their Aug. 25th meeting, Ms. Ockwell then presented additional information on nonconforming structure demolition thresholds. Ms. Ockwell reminded the commissioners that the proposed amendment is intended to clarify BMC 19.55.030.3.B, which currently states that a nonconforming structure loses its nonconforming status when it is damaged or destroyed, without giving a threshold, which means that simply removing siding could trigger the requirement that a building be brought into conformance with current codes. The proposed language sets a demolition or destruction threshold of greater than 50 percent. Ms. Ockwell then presented a comparison of how other similarly sized jurisdictions address the issue.

New Business

Mr. Greenberg briefed the commissioners on the Northeast Redevelopment Area (NERA), why staff is bringing proposals to the commissioners and the schedule. The NERA is directly in the flight path of the third runway at SeaTac Airport and therefore is heavily impacted by aircraft operations.

The commissioners received handouts including a map of the natural features of the area, a map of property ownership in the area, a map of aviation-caused constraints on the land, and maps of NERA subareas and conceptual land uses. Mr. Greenberg then explained each map thoroughly.

Mr. Greenberg told the commissioners that beginning with their Oct. 13th meeting staff will be bringing proposed Comprehensive Plan policies and new Comprehensive Plan map and proposed Zoning Code provisions and new Zoning Code map before the commission for review. A joint Planning Commission/Hearing Examiner meeting on Oct. 20 will include a hearing on the NERA draft EIS and the proposed Zoning Code and Comprehensive Plan amendments for NERA. The Planning Commission then would make its recommendation to the City Council on either Oct. 27th or Nov. 10th.

The commissioners discussed the possibility of the local car dealerships moving to an “auto mall” arrangement in the NERA, which then opens the question of what to do on First Avenue South when the car dealerships move.

When asked if the Port of Seattle pays property tax on the parcels it owns, Mr. Greenberg stated no, it doesn’t, but it would pay a leasehold tax to the City on any parcels it leases.

In response to a question from Commissioner Bennett, Mr. Greenberg said he would try to get at least one auto dealer to attend the Oct. 20th hearing.

Commissioners Fitzgibbon, Pizarro and Bennett will not be attending the Sept. 22nd meeting; the remaining four commissioners must attend to comprise the quorum necessary to conduct the scheduled public hearing on proposed Zoning Code amendments.

Planning Commission Communications

None

Director’s Report

Mr. Greenberg announced that there is now a “How Are We Doing?” form available at the front counter and from the building and electrical inspectors and the City is getting great feedback through the use of the form. Commissioner Pizarro said she just had a central air conditioning unit installed and she was very pleased with her experience with the electrical inspector.

Adjournment

Motion to adjourn was made by Commissioner Schull; meeting adjourned at 8:18 p.m.

Approved: September 22, 2009

/s/ Joe Fitzgibbon, chair